

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JED MARGOLIN,

Plaintiff,

v.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION,

Defendant.

3:09-CV-00421-LRH-VPC

ORDER

Before the court is Plaintiff Jed Margolin's Motion for Costs (#64¹). In a prior order (#67), the court determined that, pursuant to 5 U.S.C. § 552(a)(4)(E)(ii), Margolin substantially prevailed to the extent that the filing of this action under the Freedom of Information Act prompted a voluntary or unilateral change in position by NASA, and Margolin is therefore entitled to at least some portion of costs incurred prior to November 5, 2009, when the agency made its supplemental disclosures, but not thereafter. Finding Margolin's itemization of costs insufficiently detailed, however, the court deferred ruling on the motion for costs pending submission of an affidavit or declaration itemizing litigation costs incurred prior to November 5, 2009. Accordingly, Margolin submitted a supplemental declaration (#68), NASA responded (#69), and Marglin replied (#70).

Upon review of the parties submissions, the court sustains Defendant's objections. The bill

¹Refers to the court's docket entry number.

1 of costs is otherwise unopposed.

2 IT IS THEREFORE ORDERED that costs are taxed in the amount of \$525.06 and included
3 in the judgment.

4 IT IS SO ORDERED.

5 DATED this 3rd day of November, 2011.

A handwritten signature in blue ink, appearing to read "L. Hicks", is positioned above the printed name of the judge.

8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE